

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Evelyn Roig, Assistant Town Clerk / 954-797-1023

PREPARED BY: Evelyn Roig, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: September 8, 2009 (Special Meeting)

REPORT IN BRIEF: Council minutes from the September 8, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): September 8, 2009 minutes

**TOWN OF DAVIE
SPECIAL MEETING
SEPTEMBER 8, 2009**

The meeting was called to order at 5:17 p.m.

Present at the meeting were Mayor Paul, Vice-Mayor Crowley and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

PUBLIC HEARING - BUDGET

Resolution

1. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE TENTATIVE MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010.

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinances - First Reading (Second and Final Reading to be held September 21, 2009)

2. AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010.

Mr. Rayson read the ordinance by title. Mayor Paul announced that a public hearing on the ordinance would be held on September 21, 2009. She advised that the tentative operating millage rate to be levied for fiscal year 2010 was 4.8593, which was 2.5% higher than the rollback rate of 4.7408. The tentative voted debt service millage rate for fiscal year 2010 was .7825%.

Budget and Finance Director Bill Ackerman remarked that the Town was suffering in terms of a decrease in revenues and an increase in Police and fire salaries, per their contracts. He stated that the property tax system was inequitable. He said that despite the tax increase, their general fund would be 8% less than it had been in fiscal year 2007 and the proposed millage rate was over 2.5% less than it had been in 2007. Mr. Ackerman showed an example describing the inequities of the tax structure on residential property. Mr. Ackerman warned that fiscal year 2011 would be more difficult because property values were expected to decline further.

Mr. Ackerman advised that the Fire Department would be changing their pension plan as it related to the DROP plan and this would be brought to Council in the near future. This change would result in a \$188,000 savings for the next fiscal year and staff was recommending this savings be used to retain two of the seven fire positions that the Town was anticipating on eliminating.

Mr. Ackerman said that Mayor Paul had suggested changing the Police Department schedule to eliminate the automatic overtime officers were currently incurring this would result in an \$843,000 savings and would allow the Town to avoid cutting any police positions.

Mayor Paul reminded everyone that she had asked fire and police unions to work with the Town to develop ideas to assist them through the budget crisis. The rank and file had voted against the Town's request for a pay freeze. Mayor Paul stated that she wanted to find a middle ground to protect both employees and residents. She said that she would present a plan that could save the Town \$2.7 to 3 million, and would require cooperation.

Mayor Paul opened the public hearing portion of the meeting.

Lori Parrish said that the proposed millage rate was actually a 14.5% increase over the previous year. She noted that five of the 34 homes in her neighborhood were now in foreclosure. Ms. Parrish stated that the value of single-family homes and condos in Davie had fallen 34%. She strongly disagreed with the proposed increase and noted that Davie was proposing one of the highest increases in Broward County.

Reinier Potts thanked the Town on behalf of Family Central for investing in the future of Davie's children by allowing Family Central to draw down Federal and State funds for subsidized childcare.

Rich Moore, representing the Davie Fraternal Order of Police, said that he was "in shock" because eight police officers and seven firefighters were looking for jobs. He said that they were "facing a budget that would cut the ranks and jeopardize public safety." Mr. Moore pointed out concessions the Police Department had made in the past, and said that the Police Chief Patrick Lynn had indicated that the Department could not operate at the proposed staffing level of 156 without affecting services.

Mr. Moore said that the Police Department had refused the pay freeze because "for years, we have watched this Town mismanaged by decisions from the Council" which "consistently denies, runs off or makes it difficult for commercial prospects to come into Davie" and cited IKEA, Wal-Mart and The Commons. He also believed the Town wasted money in litigation, such as the airport expansion. Mr. Moore also disagreed with the Town's purchase of open space parcels, noting that these incurred ongoing maintenance costs for the Town and took land off the tax rolls. He recommended that the Town "stop buying open space, take the remaining bond money, buy down the bond and reduce the debt millage."

Mr. Moore said that another reason the police officers could not agree to a pay freeze was because they knew the Town had over \$44 million in reserves.

Mr. Moore explained that the police officers were in the same financial position as other residents. He said that the Town's suggestion to lay off police officers was helping other cities that were recruiting the Town's potential layoffs. Mr. Moore stated if Council approved this budget, they would be "signing the death certificate of both the Police and Fire Departments."

Christopher Epps said that he had been a member of the Davie Police Department for 11 years, and he felt this was a top-notch department.

Roger Morales asked Council to resolve the financial situation and consider the residents' future.

Aaron Wall said that he hoped they could come to a resolution to this problem in order to keep the Town “the same place that I had grown up with...”

Mark Ray, felt Council had ignored other options that would have prevented them from facing the possible layoffs of Police Officers.

John Nasta said that their union had never asked to be the highest paid or to have the best benefits in the County; they had only asked that the Town be competitive to allow them to hire the best officers possible. Mr. Nasta said that the biggest problem members had when voting whether or not to accept the wage freeze was that “there was no guarantee that officers weren’t going to be laid off.” He read from an email indicating that it would be Council’s decision how to make up the remaining \$544,000 through use of reserves or layoffs.

Dwight Alinor, representing the Technical Rescue Team (TRT), described what the team did, and pointed out that they had been recognized as the third best TRT in the State. He believed the team was invaluable to the Town.

Joe Piccolo said that the fire union was aware of the Town’s fiscal challenges and the Fire Department had made several changes to save the Town money. He stated that they wanted to work with Council to make this work for all of the Town’s residents.

Peter Salvo said that Davie had the finest public service. He remarked on the increase in crime in the Town, and indicated concern that the Town would cut fire and police services.

Greg Brilliant declared the Town was no longer a sleepy rural community, but was “a city and we have city problems and city expenses.” He felt that past politicians had failed to act in the best interest of the Town and had catered to small special interest groups, resulting in decisions that had cost the taxpayers “thousands upon thousands and perhaps even millions of wasted tax dollars,” Mr. Brilliant discussed the extremely dangerous nature of police and fire work, and the fact that public safety workers were not getting rich. He said that the Town had not been willing to subsidize these services with reserve funds as some other towns had done.

Jesse Volinski asked if there had been a difference in the Town’s crime rate from 2008 to 2009. He believed it had increased in the past year, along with the Town’s population. Mr. Volinski felt it was unwise to cut police officers at this time.

Arthur Joseph stated he did not want to see Police or Fire personnel laid off. He noted the 14.9% increase in Davie taxes, the 11.3% increase in garbage collection and the 25% increase in fire rescue fees. Mr. Joseph agreed the Town had wasted money fighting the airport expansion. He believed the Town could save money by allowing 5-Star Rodeo to run the rodeo grounds. Mr. Joseph also felt the Town had gone “hog wild” with open space and this must end. He agreed that the Fire and police personnel had to give a little in this situation and a happy medium should be sought.

Hope Azor, President of the Board of Directors of Hope Outreach, thanked Council for their support.

Casey Lee opposed the cuts proposed to the Landscape Division. She remarked that another planner was not needed, which she had heard was proposed. Ms. Lee also opposed cutting school resource officers.

Karen Stenzel-Nowicki distributed a copy of a flyer sent to Davie residents requesting their support for police and fire, and indicated that police and fire jobs were in

jeopardy due to mismanagement of funds. She noted the financial problems many residents faced and felt everyone must give something to resolve the situation.

Mike Orfanedes, spoke in support of the Landscape Division. He distributed photos describing “the ten top reasons why landscape inspections fail.” Mr. Orfanedes stressed the need for landscape inspectors and the importance of maintaining landscaping.

Dan Barr said that Council represented the residents, and that someone must provide leadership. He was extremely disappointed with the leadership of police and fire, who he believed had “not conveyed the serious economic struggles of people to their membership.” He noted the police and fire personnel had been asked to delay, not forego, their pay increases and he felt they must “step up to the plate.”

Lonnie Nix advised that he was a police officer in another city and stated that the Town could not afford to cut any police or fire positions.

Susana Franklin presented a petition signed by residents in support of the Police Department.

Colby Wall was upset that her son, a Davie police officer, could be laid off. She felt downtown Davie could be developed for additional revenue. Ms. Wall also supported maintaining school resource officers.

Norman Talpins said that he was extremely upset about the issues regarding police and fire and he felt the Town must do what was necessary to avoid laying off any police or fire personnel. Mr. Talpins also felt it was an “awful error” to eliminate the landscape inspector positions.

Bob Muccio, felt it was “positively preposterous” to increase the millage rate considering the economic circumstances everywhere.

Another resident expressed concern about reducing police and fire personnel.

Tom Laubenthal opposed the elimination of the landscape inspectors.

Scott Donahue, discussed requests for stimulus funds made by other municipalities, and asked if the Town had made any such requests. He stated he had sent an email to Councilmembers regarding this but had received no answer. Mayor Paul explained Mr. Donahue’s email had been forwarded to Mr. Shimun immediately upon receipt and he should respond.

As no one else spoke, Mayor Paul closed the public hearing portion of the meeting.

Mayor Paul asked if they must vote to deny this if they wanted to roll the rate back to 4.7 or if they should approve this and roll the rate back at the next hearing. Mr. Ackerman said that Council could discuss options, and they should determine the millage rate first.

Mayor Paul distributed a detailed list of suggestions for cutting the budget, representing a total possible savings of over \$2.3 million. Her first suggestion was a new police schedule that reduced overtime by four hours per person, per pay period, which would save the Town \$837,000; however the union must approve this change. An alternative was a 10-hour shift, which did not require approval from the union. This savings would allow them to keep the police positions and the school resource officers. Mayor Paul also suggested moving the resource offices back to the elementary schools so they could reinstate the DARE program. One of the school principals had indicated her PTO would raise the funds for classroom materials and t-shirts for the DARE program,

and they would combine DARE program classes. Councilmember Starkey agreed with Mayor Paul's suggestions.

Councilmember Caletka remembered that they had changed to a 12-hour shift to save money. He wondered how they could save money by switching back to a 10-hour shift. Mr. Shimun explained that going to a 10-hour shift, which was allowed by the contract, would eliminate the overtime, but meant there would be fewer people on the street. Mayor Paul said that her suggestion would keep the same number of people on the street. Mr. Shimun stated that Mr. Brilliant had indicated to him that they could discuss the 12-hour shift.

Councilmember Caletka believed a 10-hour shift was inefficient. Mr. Shimun explained they had saved money going from a 10-hour shift to a 12-hour shift because they had cut a significant number of positions. Changing to a 10-hour shift would save overtime, but result in fewer officers on the street.

Councilmember Luis did not want to lose any Police or Fire positions and felt they must find a way to prevent this. Police Chief Patrick Lynn advised that Mayor Paul's suggestion must be agreed upon with the union, but going to a ten-hour shift could be utilized without negotiation and would solve the immediate crisis. Chief Lynn noted that they had eliminated six vacancies, and therefore did not have enough officers for the DARE program. His preference was to keep SRO's in the middle and high schools.

Councilmember Caletka asked Mr. Rayson what the police contract stated regarding officers' scheduling. Chief Lynn said that the 10-hour schedule and the 12-hour schedule were stated in the contract. Mr. Rayson confirmed that the union must vote on any other configuration. Mr. Shimun said that this provided flexibility to discuss it with the union.

By consensus, Council supported this suggestion.

Mayor Paul's next suggestion was to assess a \$60 monthly fuel usage fee to each employee with a take home vehicle. Mr. Shimun would be assessed \$50 bi-weekly. Vice-Mayor Crowley disagreed with the flat fee, since employees drove different distances to and from work. Mayor Paul suggested the employees could be assessed a fee based on a percentage of their salaries and on where the employee lived.

By consensus, Council supported Mayor Paul's suggestion, basing the fee on where an employee lived and the employee's salary, provided there was no conflict with the contract. Mr. Rayson confirmed this was permitted by the contract.

Mayor Paul's next suggestion was to have landscapers adopt parks and open space to maintain for one year at no charge. She estimated this would save the Town at least \$80,000 and could help to reinstate the landscape inspector jobs. Councilmember Caletka objected to earmarking the savings to reinstate the landscape inspector positions.

By consensus, Council supported this suggestion.

Mayor Paul's next suggestion was to cut \$50,000 for the police security detail for Super Bowl events to be held at the Miami Dolphin camp in Davie. Council agreed to this suggestion.

Mayor Paul's next suggestion was salary reductions. She referred to a list of 46 non-represented employees who earned over \$75,000 per year, and pointed out that a 10% reduction in their salaries would result in a savings of \$464,898, which was more than half the savings they needed to reduce the millage rate. Mayor Paul added that the reduction could be adjusted to compensate for the 24 employees who had already had

their longevity pay taken away. Mr. Shimun noted that 83% of those employees were over 40 years old, and he believed this would result in an age discrimination lawsuit. Mr. Rayson said that this would need to be a voluntary contribution back to the Town. If an employee objected, there would be a breach of contract issue. He agreed there could also be an age discrimination lawsuit. Vice-Mayor Crowley and Councilmember Caletka did not support this suggestion. Mayor Paul and Vice-Mayor Crowley agreed to give up 20% of their salaries.

Mayor Paul's next suggestion was no new hires or changes. She stated that since they were laying off some employees, they should not be creating new positions. Councilmember Starkey agreed with freezing promotions.

Director of Human Resources, Barbara Dupre' explained the impact the new positions would have on the budget. Mayor Paul stated that she had come to doubt staff's projections of needs and long-term cost savings that she felt had not materialized. She suggested keeping the technician position, because this would be filled by an employee who would otherwise be laid off.

Mayor Paul's next suggestion was to reclassify three administrative Fire Department positions to fire inspectors. This should save two to three positions. Mayor Paul pointed out that fire inspectors performed a job that was desperately needed and brought revenue into the Town.

Fire Chief Joe Montopoli presented a document that addressed the Fire Department's budget shortfalls. He said that they were unsure if they would get the contract for Southwest Ranches, which would result in \$325,000 in income for three months. Next year, the contract would be for \$1.3 to \$2.8 million. This would leave the Fire Department with a \$41,000 deficit. If they received the contract, Chief Montopoli agreed to leave one position unfilled, which would allow him another position to impact bargain with the Technical Rescue Team to provide compensation.

If they did not get the Southwest Ranches contract, Chief Montopoli said that the \$366,000 deficit would result in four unfilled firefighter positions and no compensation for the Technical Rescue Team. He described how retirements and reclassifications could be used to create vacated positions that they would not fill until the following year.

Chief Montopoli explained that the Fire Department provided dry cleaning service to Firefighters to prevent them from bringing blood-borne pathogens home to their families.

Vice-Mayor Crowley wanted to accept Chief Montopoli's first option and if they did not get the Southwest Ranches contract, they could accept Chief Montopoli's second option. By consensus, Council agreed to this.

Mayor Paul referred to suggestions from Special Projects Director Bonnie Stafiej, including adjusting two Town events, July 4th and Labor Day in order to save the cost of overtime pay. Ms. Stafiej described the changes that would result in the savings.

By consensus, Council supported this suggestion.

Mr. Ackerman confirmed that Council supported the following suggestions from Mayor Paul:

- police would move to a 10-hour schedule
- fuel assessment for employees with take-home vehicles based on where an employee lived and the employee's salary

- landscapers adopt parks and open space to maintain for one year at no charge
- cut the police security detail for Super Bowl events
- no new hires, with the exception of the technician position

Council also supported Chief Montopoli's suggestions for the Fire Department and Ms. Stafiej's suggestion for changes to special events.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve the proposed millage rate of 4.8593. In a roll call vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Luis - no; Councilmember Starkey - no. (Motion failed 1-4)

Councilmember Caletka made a motion, seconded by Mayor Paul, to reconsider the last vote. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka made a motion, seconded by Mayor Paul, to set the millage rate tentatively at 4.8593. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - no. (Motion carried 3-2)

3. AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010.

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on September 21, 2009. Mayor Paul opened the public hearing portion of the meeting.

Kerry Waldee reported his income was down for the year and acknowledged that the next budget year would be worse than this year. He thanked everyone for their efforts to identify cost savings.

Ian Richter explained that a one-week furlough represented 2% of a yearly salary. He advocated a one-week, mandatory furlough Town-wide.

Art Joseph, resident, believed that Pine Island Ridge was a "cash cow" for the Town and wondered why this had not eased budget issues. Councilmember Caletka agreed that the revenues from Pine Island exceeded the costs to service that community. Mr. Joseph remarked that the Town was large enough to have its own police dispatchers. Mayor Paul stated the cost for this was "unbelievable."

Mr. Richter suggested the Town determine how many employees would agree to a one-week furlough.

Donna Evans pointed out that so far, she had heard no suggestions from the Police Department for how they could save the Town money. She hoped they would do this and become part of the solution.

As no one else spoke, Mayor Paul closed the public hearing portion of the meeting.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve the budget with the conditions Council had agreed to this evening. In a roll call

vote, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis – yes; Councilmember Starkey – no. (Motion carried 3-2)

There being no further business to discuss and no objections, the meeting was adjourned at 8:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk